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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

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Jenkins, Troy Fender, Rhonda Conover,  
Autumn Ellanna, and Nataliia Moroz, on  
behalf of themselves, and all those similarly  
situated,

*Plaintiffs,*

v.

Heidi Hedberg, in her official capacity As  
Commissioner of the Alaska Department of  
Health.

*Defendant.*

Case No. 3:23-cv-00044-SLG

**PLAINTIFFS' REPLY IN  
SUPPORT OF SECOND  
MOTION TO SUPPLEMENT  
RENEWED PRELIMINARY  
INJUNCTION FILING**

The State of Alaska Department of Health (“DOH”) has routinely failed, for over a decade now, to timely process SNAP applications. ECF 35-1 at 13. As was detailed in the Memorandum in Support of Plaintiffs’ Renewed Motion for Preliminary Injunction, DOH has never managed to overcome these failures in a lasting way, even during this litigation. ECF 35-1 at 14-16. On occasion, DOH has temporarily cleared parts of its backlog of

PLAINTIFFS’ REPLY IN SUPPORT OF SECOND MOTION TO  
SUPPLEMENT RENEWED PRELIMINARY INJUNCTION FILING

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SNAP applications, but it has been unable to sustain these improvements, and its backlog has then increased again by thousands of unprocessed applications. ECF 35-1 at 14-15.

DOH has argued that this Court should disregard its pattern of repeated relapses into noncompliance by claiming that the above-noted data was “outdated.” ECF 46 at 2. Indeed, DOH opened its opposition by authoritatively proclaiming: “The State cleared the SNAP backlog at the end of February and has maintained a case processing timeliness rate between 88% and 90% since then.” ECF 46 at 2. DOH also told this Court that it had “experienced considerable success in 2024 in eliminating the SNAP backlog [and] improving timely SNAP application processing rates.” ECF 46 at 7.

On reply, the plaintiffs explained why DOH’s proclamations were misleading. ECF 52 at 3. The plaintiffs pointed out that, even when focusing on only the most current data, which DOH itself was asking the Court to focus on, DOH was *still failing* to timely provide SNAP benefits to scores of Alaskans. ECF 52 at 4-6. Further, the plaintiffs reminded the Court that these ongoing failures were occurring at a time when the SNAP interview requirement was *still waived*. ECF 52 at 4-6. After all, in the past, DOH has fallen into significant backlogs when required to reinstitute the required SNAP interview, as is now again the case. ECF 35-1 at 30; ECF 52 at 6.

Now, the plaintiffs seek to supplement the record with undisputed data showing that the rate of timely case processing in DOH’s SNAP administration has again swung further away from the minimum standard set by federal law. ECF 61; ECF 67. This includes data showing that, far from the SNAP backlog being “cleared,” there were actually 3,088 SNAP

applications that DOH had not timely processed as of September 30, 2024. ECF 67-1, Ex. 3 at 11. This also includes data showing that, far from a “processing timeliness rate between 88% and 90%,” DOH timely processed just 67% of SNAP applications in September 2024. ECF 67-1, Ex. 1. These numbers are not academic; instead, each of these 3,088 untimely applications represents a household that relies on SNAP assistance to feed themselves.

Nonetheless, DOH is expending resources to insist that this Court should not have this updated information about DOH’s current processing failures. ECF 68. Even while objecting to supposedly “outdated” data in its earlier briefing, DOH now objects to the idea of plaintiffs providing current data. ECF 68 at 3-4.

In support, DOH quips that the “plaintiffs apparently wish to be able to make routine updates to the Court, once a month.” ECF 68 at 4. Rather, the plaintiffs respectfully believe that it is best practice to inform this Court that DOH’s timeliness in processing SNAP applications has significantly fallen since oral argument, and that DOH’s backlog of SNAP applications has grown significantly. ECF 67 at 3. For DOH to claim that there is no good cause for supplementing the record with this data, DOH would need to concede that it is “routine” for its SNAP backlog to jump by thousands of unprocessed applications in short order, and for thousands of households to go without timely issuance of SNAP benefits.

Finally, DOH also opposes offering current data by revisiting its preliminary injunction argument. ECF 68 at 2. The plaintiffs respectfully submit that this refrain, in addition to being wrong for the reasons noted in prior briefing, has nothing to do with supplementation and is not germane to the question of whether this Court should have

current and up-to-date information to consider. As such, the plaintiffs do not believe it is necessary or productive to re-argue their renewed preliminary injunction motion.

DATED this 23<sup>rd</sup> day of October, 2024

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**Certificate of Service**

I hereby certify that on October 23, 2024, true and correct copies of the foregoing document were served on all parties via the CM/ECF electronic filing system.

/s/ Nicholas Feronti

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